APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,984	02/20/2002	Erol Basturk	P4522	7502

24739 7590 11/29/2006		EXAMINER
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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No.
10/079,984 | Applicant(s)
BASTURK, EROL |
| | Examiner
Venkatesh Haliyur | Art Unit
2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☒ Claim(s) *1,13,25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

9/6/2006 has been entered.

2.   Claims 1–39 are pending in the application.

Claim Objections

3.   Claims 1,13,25, are objected to because of the following informalities:

    a.   In claims 1,13,25, it is not very clear to which of the figures the claimed

    subject matter corresponds to in each of these claims. Appropriate corrections

    are required in the claims to establish structural relationship with the figures.

Claim Rejections - 35 USC § 112

4.   Claims 14-17, 21-24,30-33 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. These claims recite phrases like

"instant value of the threshold characteristics" or "threshold configured for logical

interface is an up threshold" or "threshold set for logical interface is a down threshold"

does not clearly convey the meaning of the threshold value that is being compared

against and hence it is suggested that appropriate corrections are required to these

claims.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-39 rejected under 35 U.S.C. 102(b) as anticipated by Dobbins et al. [US

Pat: 5,751,971].

Regarding claims 1,13, Dobbins et al. disclosed an apparatus and method in

"Internet Protocol (IP) Work Group Routing", a communication system **(router, item 11**

of Fig 2) having a plurality of physical communication ports **(items 12A, 12B of Fig 2),**

a hierarchical bond **(association of network and subnet levels, col 5 lines 47-67)**

communication interface comprising **(col 2, lines 41-63):** a logical interface **(IP**

interface) as a component of the bond at a top level **(network/high level)** of the

hierarchy, and a first subjugate logical interface at a second level **(subnet/low-level IP interface, items 13A and 13B of Fig 2)** of the hierarchy as a component of the top-level logical interface **(IP interface) [Fig 2, col 2, lines 41-67, col 3, lines 1-37, col 5 lines 47-67, col 6, lines 1-28]**.

Regarding claims 2-4,8-10,26,29, Dobbins et al. disclosed the top level and the second level comprising one or more physical interfaces **(items 12A, 12 B of Fig 2)** for multilevel networks **(items 13 and 14 of Fig 2, col 3, lines 1-5,col 4, lines 5-11)** and one or more levels of the hierarchical bond and data is routed by addressing the bond, which then uses logical and physical components **(IP address and physical address)** of the hierarchy for data transmission **(association of network and subnet levels, col 5 lines 47-67).**

Regarding claims 5-6,11-12,27-28, Dobbins et al. disclosed a data router **(item 11 of Fig 2)** in a data packet network and data packet network is the Internet network **(item 16 of Fig 2, col 5, lines 47-52).**

Regarding claim 7, Dobbins et al. disclosed a communication system **(Router, item 11 of Fig 2)** having a plurality of physical communication ports **(items 12A, 12B of Fig 2)**, a method for grouping ports in data routing **(col 2, lines 41-67)**, comprising the steps of defining a logical interface at a top level **(high level network IP address)** of a hierarchical bond and defining a first subjugate logical interface **(low level/subnet IP address)** at a second level of the hierarchical bond as an element of the top-level logical interface and routing data by addressing the top-level bond **(single IP address to many physical interfaces)**, which then uses logical and physical components of the

hierarchy **(IP and Physical addresses, col 3, lines 1-5)** for data transmission **[Fig 2,**

col 2, lines 41-67,col 3, lines 1-37, col 5, lines 47-57]

Regarding claims 13,25, Dobbins et al. disclosed a communication system

(Router, item 11 of Fig 2) having one or more hierarchical bonds **(association of**

network and subnet levels, col 5 lines 47-67) comprising a logical interface at a top

level and a first subjugate logical interface at a second level of the hierarchical bond as

an element of the top-level logical interface **(network/subnet IP interface, items 13A**

and 13B of Fig 2), a control system for managing links in data routing, comprising: for

managing links in data routing **(col 3, lines 6-22)**, comprising a first portion recording

(lookup table) availability status of the hierarchical bonds **(status, item 36 of Fig 3)**,

for routing of data by monitoring characteristics of both logical and physical component

links of the hierarchical bonds **(col 10, lines 9-65)** and a second portion providing

configuration input for use in the monitoring by the first portion **[Figs 2-6, col 2, lines**

41-67,col 3, lines 1-37, col 5, lines 47-57, col 6, lines 1-67].

Regarding claims14-15, 30-31, Dobbins et al. disclosed thresholds **(begin and**

end IP address, item 52 and 53 of Fig 5) are configured for an interface characteristic

through the second portion for individual ones of the logical interfaces **(IP interface)**, a

logical interface considered up **(row status, active)** or down **(row status, not**

ready/not in service) according to the instant value of the characteristic for the

interface in relation to the value of the configured threshold **(IP address range)** and the

threshold configured for a logical interface is an up threshold **(begin IP address)** such

that the logical interface is considered up **(active)** if the instant value of the threshold

characteristic for the logical interface has the configured relationship to the configured

value of the up threshold monitoring **[Figs 3-6, col 6, lines 45-67, col 7,1-67, col 8,**

lines 1-67].

Regarding claims 16-17,32-33, Dobbins et al disclosed a threshold set for a

logical interface **(IP interface)** is a down threshold such that that the logical interface is

considered down **(row status, not ready)** if the instant value of the threshold

characteristic for the logical interface has the configured relationship to the configured

value of the down threshold and two threshold values differing in magnitude **(begin and**

end IP address) are configured for an individual one of the logical interfaces, one being

an up threshold **(begin IP address)**, and the other a down threshold **(end IP address)**,

such that the logical interface may be considered up **(row status, active)** even though it

no longer meets the configured relationship of the up threshold, but does not yet meet

the configures relationship for the down threshold **(interface invalid)**, or may be

considered down **(row status, not ready/not in service)** even though the threshold

characteristic for the interface no longer meets the configured relationship for the down

threshold, but does not yet meet the configured relationship for the up threshold **[Figs**

3-6, col 6, lines 45-67, col 7,1-67, col 8, lines 1-67].

Regarding claims 18-19,34-35, Dobbins et al. disclosed that the first portion

periodically evaluates the status of the hierarchical bonds for routing data by

determining the up or down status of each bond **(row status)**, beginning with the lowest

level in the hierarchy **(subnet/host)** and proceeding upward to the highest level

(network) of the bond and the second portion the second portion comprises one or

more of a graphical user interface **(user configured entries)**, a control line interface,

for configuring bond characteristics, or an SNMP interface for configuring bond

characteristics. **[Figs 3-6, col 5, lines 60-67, col 6, lines 1-29].**

Regarding claims 20-24,36-39, Dobbins et al. disclosed that the communication

system comprises a plurality of nodes **(router, physical networks having hosts,**

internet, items 11, 13A, 13B & 14 of Fig 2), each having a plurality of physical ports

(physical interfaces items 12A, 12B, 15 of Fig 2) wherein bonds are defined for

individual nodes using the ports specific to the nodes **(different IP addresses for**

networks and internet), and the control system **(router, item 11 of Fig 2)** comprises a

plurality of first portions each specific to an individual one of the nodes **(physical**

network and hosts), and a common second portion providing configuration input to the

plurality of nodes **(IP address of the network portion, col 5, lines 44-67)** and the

characteristic for thresholds associated with an interface **(begin and end IP**

addresses) is the up **(row status, active)** or down **(row status, not ready/not in**

service, col 6, lines 1-67) state of components of the interface, expressed as a number

up **(1, in item 38 of Fig 3)** or a number down **(0, in item 38 of Fig 3)** and the

characteristic for thresholds associated with an interface is a percentage of the number

of components of the interface having an up or a down state **(averaging over an**

interval, col 7, lines 1-67) and the characteristic for thresholds is a fixed bandwidth

value and the characteristic for thresholds is a percentage of potential bandwidth **[Figs**

2,3-6, col 5, lines 44-67, col 6, lines 1-67, col 7, lines 1-67, col 8, lines 1-67, col 9,

lines 1-25].

Conclusion

7.   Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

8.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

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